

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAVID DICREASE, individually and on behalf
of all others similarly situated,

Plaintiff,

VS.

JOSEPH LISTENGART, EDWARD H.
AUSTIN, JR., CHARLES BATTEY,
STEWART A. BLISS, TED A. GARDNER,
WILLIAM J. HYBL, MICHAEL C. MORGAN,
EDWARD RANDALL, III, FAYEZ S.
SAROFIM, JAMES M. STANFORD, H.A.
TRUE, III, DOUGLAS W.G. WHITEHEAD,
RICHARD D. KINDER, KINDER MORGAN,
INC., KINDER MORGAN FIDUCIARY
COMMITTEE, JOHN DOES 1-30

Defendants.

CASE NO. 06-CV-02447

**[PROPOSED] ORDER GRANTING
DISMISSAL WITHOUT PREJUDICE**

After considering Plaintiff's Notice of Dismissal Without Prejudice, the Court has determined that this action should be dismissed.

It is therefore ORDERED that this action be and it is hereby dismissed without prejudice with each party to bear their own costs.

Signed this 8th day of January, 2007.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE